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SIPDIS

GENEVA FOR USTR
DEPT PASS TO TIMOTHY BROWNING, US PATENT AND TRADEMARK
OFFICE

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TAGS: [ETRD](#) [KIPR](#) [EAID](#) [ECON](#) [CE](#) [ECONOMICS](#)

SUBJECT: IPR SEMINARS IN COLOMBO HIGHLIGHT ISSUES

1. Summary: A series of USPTO sponsored Intellectual Property Rights (IPR) seminars were held in Colombo on July 23 and 25 when Professor William O. Hennessey of the Franklin Pierce Law Center, Concord, New Hampshire, and Timothy Browning, Attorney-Advisor with the Office of Enforcement, Department of External Affairs, U.S. Patent and Trademark Office, visited Sri Lanka. While Sri Lanka has begun to enforce IPR laws passed in 2003, many gaps in the field became apparent at these discussions. Significant work remains to be done to energize local business and artistic communities to organize for advocacy of their creative and artistic rights, and to assist Customs and Police in their IPR investigations. End Summary.

2. The Embassy organized a series of IPR discussions and seminars from July 23 through 26 to coincide with a USPTO sponsored visit of Professor William O Hennessey and Timothy Browning. Professor Hennessey addressed post graduate students following an IPR diploma course at the Sri Lanka Law College and made presentations to government officials and private sector right holders in various business and artistic sectors and private attorneys. In addition, Mr. Browning held side meetings with senior Police and Customs officers tasked with enforcing IPR laws and private prosecutors engaged in IPR litigation. The public seminars were well attended, with over 100 participants, indicating interest by concerned authorities to learn about IPR. The visit received wide coverage in the local press, both in the print media and TV.

3. The speakers impressed upon their various audiences the importance of securing intellectual property for local innovators and producers as well as global companies, and discussed recent developments in IP. Dr. D M Karunaratne, Director General, of the National Intellectual Property Office (NIPO) attending a press round table with the visiting speakers, said that the Governemnt will introduce a state policy on IPR soon. In addition, new laws to protect traditional knowledge are in the pipeline. Mr. Jazeel, Director Imports and Policy Planning of Sri Lanka Customs revealed plans to issue new customs implementing regulations on IPR. These regulations will set a clear policy on how to make complaints and detections.

4. While Sri Lanka has begun to enforce IPR laws passed in 2003, many gaps in the field became apparent at these discussions. A major barrier for trademark enforcement is the non- registration of trademarks. Trademark registration could take from 2 to 5 years. Another major issue is the absence of organizations of right holders and artistic rights societies. Both Professor Hennessey and Mr. Browning stressed the importance of right holders collaborating to fight piracy, and urged them to form such organizations. They also emphasized the importance of connecting with international right holders organizations such as the IFPI.

5. It was apparent that Sri Lanka Customs needs to be the main line of defense as most of the counterfeit goods in the market are imported, while some counterfeit apparel are also exported from Sri Lanka. Both the Customs and the Commercial Crimes division of the Police Criminal Investigations Department (CID) have had successes recently. The police raided 16 shops for music piracy and most of the shop owners have pleaded guilty. They were fined and also given suspended prison sentences. The police also raided several clothing stores for infringing trademarks of popular U.S. brand names. Some of the counterfeit apparel had been manufactured in Sri Lanka, some had been imported from South East Asia, and some are overruns leaked to the market from licensed companies. The Customs Department has also detected export shipments of counterfeit apparel. These raids were initiated on complaints from right holders or their

representatives. Some of the issues that have surfaced in these raids are the failure to register trademarks in Sri Lanka, lack of Customs awareness of the nature of counterfeit trade taking place in Sri Lanka, and the absence of right holder's organizations in Sri Lanka. Both Sri Lanka customs and police stressed the need for right holders to be proactive and make representations as a group.

16. MEntertainment, the local agent for a range of international record companies, informed the Embassy of a raid of music pirates in the bazaar areas of central Colombo, on July 26. MEntertainment said that these raids may have been prompted by the seminars and press coverage to the visit. There was a large contingent of Police personnel at the seminars.

17. Comment: Coming on the heels of the recent court decisions favoring IP rights holders and vendors of legitimate goods, these seminars and meetings may be the push needed to encourage the formation of Sri Lankan IPR advocates, just as the seminars apparently led to further raids against vendors of pirated music. Post will continue to seek ways to improve the IPR regime in Sri Lanka.

LUNSTEAD